



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2308047  
**Applicant Name:** Al Strand for Third Place Co.  
**Address of Proposal:** 6500 20<sup>th</sup> Ave NE

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to change the use of 1,500 sq. ft. of storage space to a drinking establishment (Tavern) in the basement of an existing commercial building. No change in parking required.

The following approval is required:

- **Administrative Conditional Use** - To allow a drinking establishment in a Neighborhood Commercial Two (NC2-40) zone.  
(Chapter 23.47.006, Seattle Municipal Code)

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

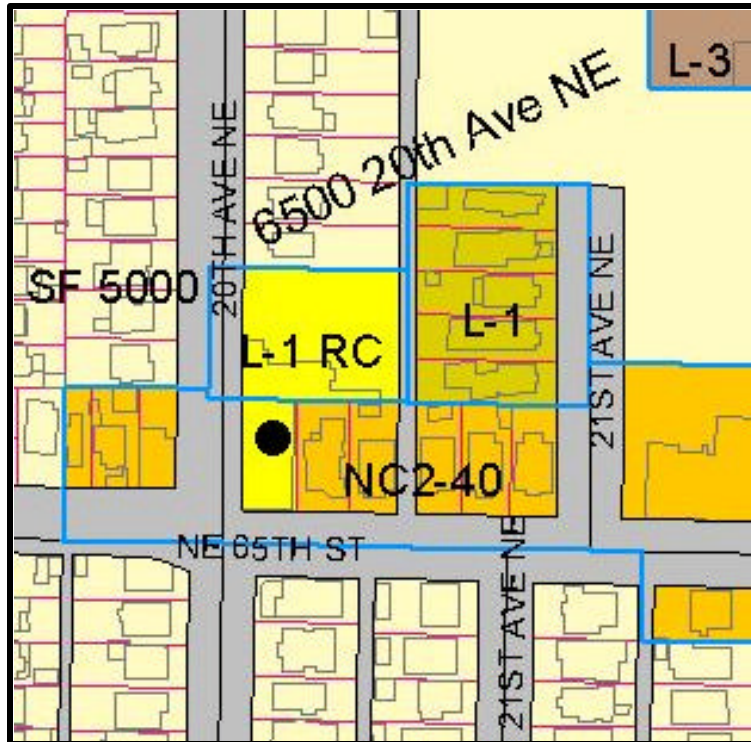
☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition,  
or involving another agency with jurisdiction.

## **BACKGROUND DATA**

### **Site and Vicinity Description**

The subject property is located at the northeast corner of 65<sup>th</sup> St and 20<sup>th</sup> Ave NE within a Lowrise One Residential Commercial (L1-RC) zone and a Neighborhood Commercial Two (NC2-40) zone. The site is L-shaped with approximately 50' of street frontage on 65<sup>th</sup> St and approximately 220' of street frontage on 20<sup>th</sup> Ave NE. The existing two story commercial structure has a permitted caretaker's unit located in the rear. Zoning in the area is diverse with NC2-40 and L1 directly east of the site. Directly north of the site is a large Single Family (SF 5000) zone.



Properties to the west of the site are zoned NC2-40 and SF 5000 moving from south to north respectively. Properties across 65<sup>th</sup> St (designated arterial street) to the south are zoned SF 5000, with some properties to the southeast zoned NC2-40. All perimeter streets are improved with curb, gutter, and sidewalks.

The existing parking lot is completely paved and is currently striped to accommodate 30 vehicles and bike parking. Commercial parking will not be expanded as part of the proposal, but will be reduced by one. Two additional residential spaces are proposed for the existing residential unit located in the structure for a total of 31 spaces (29 commercial and 2 residential). Vehicle ingress/egress is from 20<sup>th</sup> Avenue NE through an existing 25-foot wide driveway/curbcut. The existing parking lot gradually slopes down for a few feet from the entrance driveway and gradually levels off towards the east property line. Along the north property line, there are existing landscape screenings (hedges) and a fence behind it. On the east property line, an existing solid wood fence along the alley margin and wraps around the southeast corner of the lot towards the existing structure. Along the west property line abutting 20<sup>th</sup> Avenue NE, there are existing hedges (approximately 3 feet high) to the north and south of the existing driveway.

### Proposal Description

The applicant proposes to change a portion of the use from a retail sales and service to a drinking establishment. The structure currently has two principal uses which are to remain, a retail sales and service (bookstore) and a restaurant (Honey Bear Café). The proposed area of use is approximately 1,500 square feet. The proposed use will be strictly a beer and wine drinking establishment (no liquor) with limited food to be provided from the existing café above on the second floor. There will be interior alterations to the unfinished basement floor as part of the project.

### Public Comment

Numerous comment letters were received during the public comment period, which ended January 7th, 2004. The opposing respondents expressed concerns about lack of off-street parking, customer behavior impacts, noise impacts, the number of taverns in the area and related traffic impacts.

### Public Meeting

Approximately fifty-two (52) residents and interested parties attended a meeting on February 12<sup>th</sup> 2004 which was coordinated by the Ravenna Bryant Community Group. During the meeting the citizens concerns were voiced, the Department communicated the Conditional Use process and the owner/developer had a chance to address the community with more detailed plans. After the meeting, a walk through of the proposed space was encouraged by the owner of which there were some attendees. The number of supporters of the pub was equal or greater than the amount of non-supporters in attendance.

## **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE (SMC 23.47.006)**

*B. The following uses, identified as administrative conditional uses on Chart A of Section 23.47.004, may be permitted by the Director when the provisions of this subsection and subsection A (discussed below) are met:*

- 2. Taverns and brewpubs in NC1 and NC2 zones may be permitted as conditional uses. A tavern or brewpub in an NC1 or NC2 zone shall be evaluated according to the following criteria:*
  - a. The size of the tavern or brewpub, design of the structure, signing and illumination shall be compatible with the character of the commercial area and other structures in the vicinity, particularly in areas where a distinct and definite pattern or style has been established.*

The proposal will be compatible with the character of the commercial area in part due to its small size (1,500 square feet) and the fact that the building envelope will not be significantly altered by the proposal. Along 65<sup>th</sup> St there is a pattern of small businesses

in older one to two story structures. The existing brick and cement exterior will remain, but a door and sidelight will be added for the proposed drinking establishment along with new windows above the door along NE 65<sup>th</sup> St. Signage will be placed along NE 65<sup>th</sup> St advertising the tavern name and stating that parking is located in the rear. Similar styles of signage are found in the immediate vicinity. No surface-mounted signage is proposed. Exterior lighting will act to illuminate the name of the business and to provide safety to customers including sidewalk illumination at the entry. Interior illumination will not be visible from outside the proposed tavern. The size of the tavern, signage, and illumination will be compatible with character of the neighborhood.

- b. The location, access and design of parking shall be compatible with adjacent residential zones.*

The parking area associated with the proposed use has been previously permitted and will not be expanded under this permit. The existing parking area has fences and landscaping which separates the parking from the residential zones to the north and east. As a result, the location and design of parking is compatible with the adjacent residential zone as contemplated and permitted under MUP No. 2107882 Permit No. 729290.

- c. Special consideration shall be given to the location and design of the doors and windows of taverns and brewpubs to ensure that noise standards will not be exceeded. The Director may require additional setbacks and/or restrict openings on lots which abut residential zones.*

Noise standards are not expected to be exceeded due to this proposal. The entrance for the pub will face NE 65<sup>th</sup> St. An existing door on the south end of the east façade currently faces the residential structure to the east, but will be blocked with masonry. Although there is pedestrian access possible from the proposed tavern to a door located on the north façade, this door will be for emergencies only. The new pedestrian entrance will be recessed 5' from the existing wall line and will be accessed from 65<sup>th</sup> St which is a designated arterial street. It is noted that even though the new entrance door will face an arterial street (65<sup>th</sup> St), some possible noise impacts to the single family zone to the south may occur from door closing and opening during later business hours. This impact should be mitigated by incorporating this possible impact into the entry door selection and design. As a result proper conditioning mitigation is warranted to ensure low noise from the tavern door opening and closing.

- d. Taverns and brewpubs shall not generate traffic which creates traffic congestion or further aggravates spillover parking on residential streets.*

Per Trip Generation, “7<sup>th</sup> Edition,” ITE (Institute for Transportation Engineers), the peak PM hour trip generation for a “Drinking Place” is 15.49 trips generated per 1,000 square feet of gross floor area. During peak hours for the tavern use 23.24 trips are anticipated during the peak hour. Worth noting, peak hours for drinking establishments do not coincide with peak hours for traffic. In relation, for one hour between 4 and 6 pm, when rush hour normally occurs, Trip Generation has an average rate of 11.49 trips per 1,000

square feet for this land use. As the proposed tavern is for 1,500 square feet, 17.01 vehicle trips per hour are anticipated from 4-6 pm.

Taking into the consideration the context of the neighborhood, the proposed area of use, and the proposed establishment layout, it is likely that this proposal will attract a large percentage of walking patrons from the surrounding residential zones. Dual customers from the book store and café above will also likely provide some customer base for the tavern. The above ITE cited Trip Generation samples above were taken in more suburban settings where pedestrian walk-ability access and community transit are minimal and vehicle travel is more prevalent. The subject proposal is located on a major bus line and an arterial street while also being located in a residential neighborhood. As a result the traffic impact will most likely be less than the averages given above. The proposal will not generate traffic which creates traffic congestion. It should be noted that any change of use or new use (even a use permitted outright) in the proposed space may cause spillover parking onto the streets. For example if a restaurant were proposed, it would be a use permitted outright, but could cause more spillover parking than the proposed use, depending on the popularity of the business.

To demonstrate that proposed use will not further aggravate spillover parking on residential streets, the Department requested a parking utilization study which was received by the Department on May 11<sup>th</sup> of 2004. By direction from the Department the applicant performed the study within eight hundred (800) feet of the site and did three different utilization counts. The study shows parking utilization for on-street parking and also separately shows the on-street parking with the applicant's commercial spaces. The first count was made on a Friday (4.16.04), the second on the immediate following Saturday (4.17.04) and the third was completed on next Saturday (4.24.04). The counts were made from 7:30 – 9:00 pm as requested by the Department. These times and days reflect anticipated peak hours for a tavern use. The proponent determined that total number of legal on-street parking spaces (not including the applicant's on site spaces) available within 800 ft of the site is 486.

The parking utilization study shows that 254 spaces were utilized on Friday, April 17<sup>th</sup>, 257 spaces were utilized on Saturday, April 18<sup>th</sup> and 246 spaces were utilized on Saturday April 24<sup>th</sup>. The average number of spaces in use for the three day study was **252.33**; an average utilization rate of **51.9%**. The study area has ample capacity to absorb the on-street parking need of the proposed use (see table below).

**Parking Utilization Study Table**

Parking Counts within 800' of the site	Total On Street Parked Cars Only (486 total spaces)	On Street Parking Plus Applicant's Commercial Spaces (517 total spaces)	Applicant's Commercial Spaces Only (30 total)
1 <sup>st</sup> Count (4.16.04)	254	265	11
2 <sup>nd</sup> Count (4.1.04)	257	284	27
3 <sup>rd</sup> Count (4.24.04)	246	271	25
Average	252.33	273.33	21
Utilization Rate	51.9%	52.9%	70%

The applicant also calculated the parking utilization including the on site commercial parking. This showed little to no difference in the overall parking utilization percentage, which was **52.9%**. The parking utilization study is located in the project file. Based on this analysis, approximately **47.1%** of all parking (applicant's on site and street parking) is not used during the sample times stated above. Also, the applicant provided information on the utilization rate for the on-site commercial parking only. The three day rate showed an average utilization rate of **70%** during the hours studied as shown above.

Lastly, the proposed tavern and all other uses in the structure (restaurant, retail, one dwelling unit, tavern) meets the zoning requirement for parking quantity which is required to be 24 spaces, where 31 are provided.

As a result of the above analysis, the Department concludes that the proposed tavern will not further aggravate spillover parking by the proposed use based on the submitted parking utilization study, the proposed tavern size, location along a major arterial, and proximity to likely patrons.

A. *All conditional uses shall be subject to the procedures described in Chapter 23.76, and shall meet the following criteria:*

1. *The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

As described and proposed the approximately 1,500 sf proposed tavern should not be a detriment to the public welfare or injurious to property in the area. The proposed drinking establishment will be located in the bottom floor of the existing structure away from the residential zone to the north. The tavern use will be predominately below grade resulting in little to no noise impacts from outside the structure. The proposed use will not be materially detrimental to the neighborhood with proper conditioning.

2. *In authorizing a conditional use, adverse impact may be mitigated by imposing any conditions needed to protect other properties in the zone or vicinity and to protect the public interest. The Director shall deny or recommend denial of a conditional use if it is determined that adverse impacts cannot be mitigated satisfactorily.*

With proper conditioning including hours of use and signage, no adverse impacts are anticipated from this proposal.

### **DECISION-CONDITIONAL USE**

The conditional use application is **CONDITIONALLY APPROVED.**

### **ACU CONDITIONS:**

#### **Prior to issuance of Master Use Permit and Building Permit**

1. A low noise door shall be installed for the proposed entrance off of NE 65<sup>th</sup> St. This door shall be installed so it does not slam shut. The door detail shall be added to the MUP plans and any related building permit. This design shall be approved by the Land Use Planner (Lucas DeHerrera 206.615.0724) or by the acting Land Use Supervisor (Cheryl Waldman 206.233.3861).
2. The proposed exterior business signage design and detail shall be added to the MUP plan sets and also added any related building permit.

#### **For the life of the permit**

3. The hours of operation for the tavern use shall be limited as follows:  
Mon. – Thurs.: Open no earlier than 9:00 am and close no later than 11:00 pm.  
Fri. – Sat.: Open no earlier than 9:00 am and close no later than 12:00 am.  
Sun.: Open no earlier than 9:00 am and close no later than 10:00 pm.
4. A sign shall be placed internally near the entry door on the inside of the structure which states “Be respectful to our neighbors, keep noise to a minimum when leaving, Thank you.” This statement shall be visible when exiting the tavern area. This detail must be added to the MUP and any building permit.

Signature: \_\_\_\_\_ (signature on file) Date: December 9, 2004  
Lucas DeHerrera, Land Use Planner

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